

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, May 14, 2013

6:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 6:10 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan, Municipal Services Director Don Prince and Town Clerk Vanessa Castillo.

Mayor Minnet explained that the Commission meeting was commencing earlier to accommodate Vice Mayor Sasser's request for the Commission to do a walking tour of some planned changes on West Commercial Boulevard. To satisfy the Sunshine Law requirements, she called the meeting to order and invited all residents and business owners to join the tour, noting it would begin in front of J. Flynn Engineering. She said the Pledge of Allegiance would be done at Jarvis Hall at the end of the tour.

Recess/Reconvene

Town Manager Hoffmann directed the Commission's attention to the related agenda items on page two and the backup for each, the first being the stamped asphalt.

Project Manager Albert Carbon noted the area where stamped asphalt and brick pavers would be placed at the corner, stating the pavers would continue across East Tradewinds Avenue, questioning if that should be included in the project or left as is.

Town Manager Hoffmann indicated the price did not include such work in the crosswalk at Seagrape, explaining the thought was to include that when the next two blocks were done.

Jay Flynn, Flynn Engineering, remarked the existing pavers were a different pattern, color, etc. than that what was proposed for the promenade.

Vice Mayor Sasser commented, based on what the project team said, that the pavers proposed for the subject area would not match those to be placed at the promenade.

Project Manager Carbon answered that this was correct; the subject area would have a grey concrete sidewalk, and the pavers from the promenade would come across the grey sidewalk up to the subject area.

Town Manager Hoffmann directed the Commission to number one on the memo in the backup where it stated the crosswalk done in stamped asphalt cost around \$22,000, and matching the pavers in the sidewalk to the promenade added about \$18,000.

Project Manager Carbon referred to page two of the memo to the item related to the brick pavers that were in the standard herringbone design, and the new pavers in the area they were standing in would match those placed in the promenade.

Commissioner Brown inquired if there was a significant public safety difference between pavers and asphalt in terms of either pedestrians or cyclists having more difficulty navigating either.

Project Manager Carbon replied that concrete pavers lift and crack. With the stamped asphalt, this problem would not arise, and the materials were all ADA compatible and compliant.

Town Manager Hoffmann moved the conversation to the subject of the four alleyways, which the staff had recommended not be treated in order to save money. The Commission had asked about the cost of doing the alleyway work.

Project Manager Carbon noted that the exhibit contained in the backup showed the alleyway with a walkway and landscaping to the side by the buildings.

Mr. Flynn commented that another factor to consider was that each alleyway would have electric coming from the rear, so the surface had to be torn up and either concrete or pavers could be put back instead of asphalt.

Mayor Minnet requested a price for pavers and no landscaping. She expressed concern at doing landscaping, as restaurants might wish to put tables in the area.

Commissioner Vincent thought in order to make the area more pedestrian friendly, the team needed to work on cleaning up the area in terms of wires hanging off buildings.

Mayor Minnet thought the alleyways needed to be included in the project, and she preferred to see pavers installed.

Town Manager Hoffmann asked Brian Kitchens, Architectural Alliance, if the landscaping only consisted of plants in the ground, or would they be placed in pots.

Jaime Mayor and Brian Kitchens, both from Architectural Alliance agreed that they would be in the ground.

Mayor Minnet felt there would be a number of issues, such as watering, etc. She also said to leave it simple and do the pavers.

Mr. Kitchens, Architectural Alliance remarked they had plans to irrigate the areas.

Mr. Carty, SCEC, said that the alleys would look stark with no landscaping.

Mayor Minnet believed the area could be decorated with other enhancements rather than landscaping, such as potted plants, sculptures, wall murals, and other designs, but only pavers should be done and we can always add the landscaping later.

Mr. Carty, SCEC, said that removing the landscaping would cut about \$10,000.

Town Manager Hoffmann noted there was one alleyway that was very wide, and she was not sure the landscaping should be removed in that alley.

Mayor Minnet concurred that alleyway 'A' should be treated differently and said landscaping should be in that one only.

Town Manager Hoffmann suggested placing planters with some greenery along alleyways 'B', 'C', and 'D'.

Vice Mayor Sasser wondered what type of lighting was in the alleyways, if any.

Mr. Carty, SCEC, answered yes.

Mayor Minnet remarked that it was up to Town staff, noting the infrastructure for electrical should be installed to facilitate the placement of lighting, etc. later on. She was willing to go with the consensus, acknowledging that without the planters the three narrow alleyways might be stark with only the pavers.

Commissioner Vincent believed the alleyways would be utilized frequently by residents coming from the neighborhoods of south and north Silver Shores.

Vice Mayor Sasser liked letting restaurants place tables outside, but he was concerned with there being no lighting.

Town Manager Hoffmann wondered how many restaurants would wish to place tables in the alleyway, thinking it depended on how far away they were. The promenade would be three times its current size, which meant lots more room for tables.

Project Manager Carbon raised the issue of the mid-block crosswalk across Commercial Boulevard. He said that the design team priced two alternatives; both alternatives included the FDOT-required flashing lights at a cost of \$38,000. One option was with stamped asphalt and one with just paint for \$43,000.

Mayor Minnet thought the stamped asphalt for an additional \$16,000 looked better.

Commissioner Dodd raised the safety issue of there being no safety barrier to draw people's attention as they walked across the road and suddenly traffic appeared from the other side. He also said that the renderings in the backup did not address his concern.

Mr. Flynn, Flynn Engineering, noted that built into the design was a new FDOT-approved design, whereby the crosswalk was angled so pedestrians were facing traffic at a 45-degree angle regardless of the direction.

Vice Mayor Sasser inquired if the design and/or color of the stamped asphalt would tie into that of the promenade and what would be the color.

Mr. Kitchens, Architectural Alliance, replied that the color would most likely be a brick or terracotta. The promenade colors included greys and gold. He was unsure how difficult it would be to get the stamped asphalt in other colors, but other options were available.

Mr. Carty, SCEC, said that the brighter the color, the more difficult it was to maintain its finish.

Mr. Mayor, Architectural Alliance, said that the outer bands would be charcoal, which would match the pavers. He added that for the inside stamped asphalt, the colors were Irish cream and terracotta.

Project Manager Carbon invited the Commission to look at the other alleyways, as well as the locations where bougainvillea trellises would be located at each corner of the promenade on the Commercial Boulevard side.

Town Manager Hoffmann pointed out the picture in the backup showed three trellises clustered together, but there would only be one at each corner.

Mayor Minnet recommended not including the trellises in the project, as she believed the monument sign that had yet to be budgeted should be come first.

Project Manager Carbon asked if the Commission wanted to see each alleyway.

Vice Mayor Sasser noted one of the reasons he wanted the tour was to get a better handle on the lighting, where the poles would be located if that was scaled back down.

Town Manager Hoffmann replied the lighting for the project was not complete, but the proposals Town received provided for parking lights, three at each plaza with a double lamp, and the original pedestrian lights on the promenade. There would be no bollard lighting, as the photometric study showed that there would be plenty of light on the promenade without bollard lighting.

Vice Mayor Sasser remarked some members of the Commission might want the bollard lighting for its aesthetic value.

Mayor Minnet said that the needle design bollard was being provided for, but it was more of a safety bollard rather than an illuminating bollard.

Vice Mayor Sasser felt it would be the same thing functionally, so lights should be put in the bollards.

Town Manager Hoffmann thought the direction given to the design team by the Commission the previous week was to take out the bollard lighting.

Vice Mayor Sasser disagreed and suggested going back to the tape, as he must have misunderstood the discussion, and Commissioner Dodd indicated he too recalled no such direction.

Mayor Minnet inquired how much it would cost to illuminate 20 percent of the proposed needle bollards, stating it would be more for aesthetics than illumination, as they gave a little glow. She felt 25 percent of the bollards could be eliminated and thought the bollard could be designed with a light inside.

Mr. Carty, SCEC, answered no, that was a different bollard, and changing them meant added expense, as they would have to match the other lighting.

There was general discussion on various ratios and forms of lighting alternatives in the subject area.

Mayor Minnet inquired if a bollard could be both a safety feature and provide lighting.

Mr. Kitchens, Architectural Alliance, affirmed there were lit bollards the design team could out source.

Town Manager Hoffmann asked if the electric was already in place to accommodate lit bollards.

Mr. Carty, SCEC, said no.

Town Manager Hoffmann said that the project price would increase if this were included.

Commissioner Dodd believed the electric was in place, and said that if the landscaping feature is in place, it should be relatively inexpensive without running extra cables.

Mr. Carty, SCEC, affirmed there would be electric at the main sculpture and at each of the signs. He understood Commissioner Dodd to suggest adding some sort of up lighting to the planting areas, and this would be less expensive than adding lit bollards.

Town Manager asked if the Commission wanted to view the other alleyways.

Mayor Minnet suggested further discussion of the alleyways to take place at Jarvis Hall.

Recess/Reconvene

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pastor Jim Goldsmith

Pastor Jim Goldsmith gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Minnet requested to pull item 16b to discuss after public comments.

5. PRESENTATIONS

a) Underwater SS Copenhagen Guide/Map (Public Information Officer Steve D'Oliveira)

Public Information Officer Steve d'Oliveira remarked the wreck of the SS Copenhagen, located off the Town beach near Sea Watch, is listed on the National List of Historic Places and was established as a Florida archeological reserve in 1994. The Town recently created an underwater guide to the wreck for scuba divers and snorkelers to use, to be presented tonight, and as provided in the backup. Mr. d'Oliveira gave an overview of each slide.

Mayor Minnet suggested posting additional pictures on Channel 78.

Town Manager Hoffmann thanked Mr. d'Oliveira for all the work he did in the creation of the guide, noting he worked with the dive shops that tested it out to discover if divers found it useful and they did. He also go the state's website corrected to reflect that the SS Copenhagen is in Lauderdale-By-The-Sea waters and not in Pompano Beach waters, as was listed for many years.

Mr. d'Oliveira indicated about 1,000 guides had been printed and distributed to local dive shops, dive charter boats, the Chamber and in Town Hall.

b) Proclamation for "Police Week" and "Peace Officer Memorial Day" (Town Clerk Vanessa Castillo)

Mayor Minnet read the proclamation as detailed in the backup, declaring May 12 to 18, 2013 as "Police Week"; the police force was a welcome part of the Town's community.

c) Proclamation for "National Salvation Army Week" (Town Clerk Vanessa Castillo)

Mayor Minnet read the proclamation as detailed in the backup, declaring May 13 to 10, 2013 as "National Salvation Army Week".

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Arthur Franczak stated he had no objection to Agenda item 17c, believing that the problem was in the Code preceded the recycling program when each home had only one bin, and it was easier to store one than three. He said that residents were told that the recycling program was voluntary and free, yet residents were being cited for improper storage of the additional bins and some had to put up an enclosure to hide the bins that offended some people. He suggested the Town go back to one bin and freeze all fines, as the Town should have looked at the code before implementing the recycling program to determine if it would cause hardship. The matter should be placed on the next Commission agenda for discussion. He believed the objections to the bins came on pick up day, due mainly to the numerous bins having to be placed to the front of properties, as no one knew what time in the day they would be collected. If possible, the Town should direct the garbage disposal vendor to pick up garbage by 9:00 a.m., and go back to (1) recycling bin that could be changed to a less visible color, instead of punishing people.

Wayne Ferrell, CEO of ArchitectOne.com, noted he practiced architecture for over 30 years and worked on four commercial projects and many residential projects in the Town. When working with Jeff Bowman, who was then the head of Zoning, they did a number of projects, and Mr. Bowman was very business friendly. He claimed when the Town hired Town Planner Connors, they ran into numerous problems, as rules were changed or reinterpreted at every submission, of which he had proof. He felt he was being treated unfairly and resigned due to the frustration he felt working under such conditions and would inform every developer he worked with not to work in the Town until the situation was resolved. Mr. Ferrell expressed that the Marchelos brothers' properties looked great, and the Town should be proud to have people like them in the Town, and the Commission needed to look long and hard at how they were being treated by Town staff. Out of all the years of his career working with municipalities, he had never seen property owners attacked so harshly by a town. He felt these things affected his business and need to be said, even at the risk of negative effects from those responsible for looking at plans for future jobs he might do in the Town.

Eric Yankwitt reported the recent "Movie Night" featuring *Dr. Zhivago* was successful, noting that free ballroom dancing would take place the coming Sunday night. He commended Municipal Services Director Don Prince for his assistance over the weekend with the cleaning up of the beach and around the pier. He thought the Town should have a list of able volunteers to call when various projects came up.

Bob Fleishman objected to the blanket notice of compliance sent out to homeowners demanding that trash carts should be stored in side yards; the Code should be applied town wide, not just to homeowners. The annexed region felt it was being singled out for noncompliance. He believed the current Code was outdated and impossible to comply with for many reasons. Mr. Fleishman said there were properties laid out in a non-uniform way, so the problem could not have one solution. Town staff should address each situation in a friendly, individual manner without threat of a fine. Town staff admitted the original notice was unclear and misleading, and that the code was not uniformly enforceable.

Edmund Malkoon asked everyone to "save the date", as on May 30, 2013 for the hurricane preparedness seminar at 7:00 p.m. in Jarvis Hall. He urged members of the community to begin thinking, by June 1st, about whom they wished to make a "Hometown Hero".

Ken Brenner wished all aspects of the West Commercial Project to remain as originally designed.

Bill Vitollo hoped the entire Town would be included in the license plate reader camera system. He expressed confusion about the pending sand project. He said that he enjoyed the walking tour, as it provided clarity, and he supported the original design and its completion. Mr. Vitollo also mentioned the issue of the garbage carts, stating the remedy was simple; three hedge bushes could be planted to grow to at least four feet to provide a shield for the carts.

Ron Piersante commented on a Bougainvillea resident falsely chastising the Commission and Town Manager about residents having no input on that project. He felt that the speaker should thank the Town Commission, Manager and staff for making Bougainvillea into a beautiful street, noting residents that attended previous Commission meetings to complain about the project were now silent, not even saying thank you. Despite the sometimes uncomfortable conditions of dust, etc. during the project, there was no gain without pain, and it was impossible for the Town to please everyone all of the time. Mr. Piersante mentioned there was a landscape island on Bougainvillea Drive on which two trees should have been planted, and other residents thought similarly. The two trees would be placed in front of a house that was vacant eight months of the year. He suggested the Town forget about stamped asphalt on Bougainvillea Drive and use the funds toward the stamped asphalt on the Commercial Boulevard project.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting. She reiterated the discussion of item 16b had been moved ahead in the agenda for discussion after the Public Comment portion of the meeting.

7. PUBLIC SAFETY DISCUSSION

None

8. TOWN MANAGER REPORTS

a. Strategic Plan Status Report (Town Manager Connie Hoffmann)

Town Manager Hoffmann mentioned this was the first time this report was placed on the Commission agenda, noting it represented all the goals, objectives and tasks in the Town's strategic plan. She thought the report should be provided twice a year to show the progress of goals accomplished or being accomplished. Commission feedback was being sought as to whether they desired this report.

There was a Commission consensus for the Town Manager to provide the status report twice a year.

b. Town Manager's Report (Town Manager Connie Hoffmann)

Town Manager Hoffmann responded to issues brought up in the public comments portion of the meeting, noting the following:

- LPR cameras would be placed at all three roadway entrances to the Town
- Beach renourishment project recently mentioned in the newspaper referenced elk horn coral off Lauderdale-By-The-Sea and the decision to shorten the taper coming down from Pompano. The Town was not informed of this plan, despite Town staff meeting with the County the week before the article came out. Staff contacted the County and learned the taper would reduce the amount of sand the Town received. She indicated there was another sand project coming from the Army Corps of Engineers and staff would provide a report on the next Commission agenda on that topic.
- On the reference to lack of the two trees on the island on Bougainville Drive, that referenced the island in front of the Laracellas' home where the original design called for one tree in the smaller island by their house, and two trees in the larger island in front of their house. The Commission agreed not to put any trees in the large island at the owners' request, so only one tree was planted in the smaller island

Commissioner Dodd stated the Commission was not told there were two islands and that the video recordings of prior meetings could verify this.

Mayor Minnet affirmed there had been no mention of two islands.

Commissioner Dodd remarked, had he know there were two islands, he would have insisted the larger island have at least one tree.

Town Manager Hoffmann indicated that the Commission could vote to place one tree in the larger island, as it was Town property and that Town staff would inform the residents the Commission changed their mind as to no trees in the larger island and explain there had been a misunderstanding as to what was being approved.

Commissioner Brown recalled it was the decision as to the kind of tree that would be planted that was causing the problem.

Town Manager Hoffmann recalled, in the end, the Lauricellas stated they wanted no trees on the islands.

Commissioner Dodd wanted the matter brought back as soon as possible, as the whole idea of the project was to beautify Bougainville Drive for the benefit of all the residents.

Town Manager Hoffmann asked if the Commission wished her to write to the homeowners and indicate the Commission's intention of reconsidering placing a tree on the larger island and relay their feedback to the dais before a final decision was made.

Commissioner Dodd said the matter could be placed on the next agenda for a vote.

Town Manager Hoffmann reviewed her monthly her report as detailed in the backup, highlighting the following:

- All red pedestrian phase at the intersection of Commercial and A1A, the Town had responded to and acted upon all County and FDOT requests and requirements; trial implementation was expected to begin in May or early June

Commissioner Brown noted his support was waning rapidly for the all red pedestrian intersection,. FDOT was requiring the Town not allow a right-hand turn on red during the hours the all-red crossing was in effect, and this was unacceptable. He stated, presently, it was legal to make a right turn on red, so how effective would it be to begin enforcing no right turn on red during the select four hours without signage to advise drivers no right turn was permitted. He fully supported protecting public safety and took no issue with making it easier for tourists and businesses in the area, but he did not wish to burden the Town's residents. Eliminating the ability to turn right on red for set hours at a time was likely to cause traffic to backup at that intersection, and most likely residents would be affected, and to avoid this, people would drive through local neighborhoods. He thought the chain reaction to such a move would become burdensome to residents and outweigh the benefits of public safety. Commissioner Brown expressed concern with the Town being required to have police presence in the area, which he failed to understand. He did not like the idea of stationing a police officer in that intersection for four hours at a time, as it would add considerable cost to the Town, and if this was going to be done, perhaps it should be done instead of the all-red phase. He previously suggested posting a police officer but there was no follow up. He requested that town staff should contact FDOT and ask if it was permissible to put rumble strips in the ground upon approaching the intersection of A1A and Commercial Boulevard, to get drivers' attention. This was a better solution, given the implementation of the all red program was requiring of the Town. He was tired of all the studies the Town was being asked to do, and it seemed both the County and FDOT were trying to push all the responsibilities off on the Town. Commissioner Brown noticed the backup indicated FDOT and the County were getting very negative

feedback to the all red system implemented on Las Olas Boulevard. He felt that the Town would get negative feedback too, but if it was a matter of trying the system for a two-week period, he would not stop it, though when he first learned of the program, he did not know there would be no right on red at the intersection.

Vice Mayor Sasser spoke in relation to the beach renourishment project, as he understood the Town sent a letter stating based on the cost, the Town might be willing to move forward. It seemed some decisions were being made of which the Town's administration was unaware, and the project was moving forward on these decisions. He questioned the point at which the Town was at, and could the work of dumping sand on the Town's beaches start tomorrow.

Town Attorney Trevarthen stated she was not familiar with the exact update of the project, but she knew no sand could be dumped on the Town's beaches during turtle season, and that November being the earliest they could start.

Vice Mayor Sasser thought they needed the Town's permission to begin dumping sand on its beaches, and he was unsure if the message communicated by the Town constituted granting permission to dump the sand when they desired.

Town Attorney Trevarthen believed in the communication the Town was being asked for its willingness to fund the project, not just support it, and the letter sent by the Town indicated there were still questions to be answered, however, there might be interest in supporting the project.

Town Manager Hoffmann recalled the Town Commission voted 3-2 to approve the beach renourishment conceptually, with the condition that the Town would pay its share of the cost over a three-year period and with a limitation on the dollar amount. The County would also have to agree to pay for any damage done to the Town's portals.

Vice Mayor Sasser heard nothing of the Town's conditions being met, and he was one of the no-votes because of the very things mentioned in the newspaper article about the coral. The reference to them monitoring the project was problematic, as they could not simply shut off the sediment if they encountered a problem, but the main concern was he did not think the Town gave permission.

Town Manager Hoffmann replied the Town was informed they were still in the permitting process, and the County did not believe it would start in November 2013 as planned and was likely to be delayed a year. However, there was another project coming, and that was to be funded by money from FEMA from Super Storm Sandy. She stated nothing was happening immediately. There was time for the matter to be brought back on the agenda and invite Eric Myers from the County to address the Town Commission on these issues. Her understanding was there had to be a formalized agreement between the Town and County, and this was not yet in place, and that agreement would not be brought to the Town until the permit had been acquired. The idea of narrowing the taper arose in the permitting process.

Vice Mayor Sasser asked if the Minto temporary parking lot, would be paved, and how long would the Town use the parking lot.

Assistant Town Manager Bentley responded Town would not pave the lot, and the Commission approved approximately \$100,000 for a temporary gravel lot. In the Town's licensed agreement with Minto, they could give the Town six months' notice that they need the property back.

Town Manager Hoffmann indicated Town staff looked into paving the lot, but the price was extremely high given that the length of time the parking lot would be used by the Town was unknown, as it could be six to 18 months.

Vice Mayor Sasser asked if there were any code issues preventing a temporary parking lot to be gravel or anything inhibiting the Town from utilizing a gravel lot as a temporary parking area. Town Attorney Trevarthen affirmed staff looked into the matter, and there was no obstacle to the Town using a gravel lot for temporary parking.

Commissioner Vincent questioned if reducing the sand taper decreased the Town's cost.

Commissioner Dodd believed cost was approved based on the volume of sand delivered to the Town.

Commissioner Vincent commented on the all red system, asking if the no right on red would only be imposed during the time in which the all red was active.

Town Manager Hoffmann answered yes.

Commissioner Vincent did not object, as these were the busiest hours, and no one could legally turn right on red with pedestrians in the crosswalk anyway.

Mayor Minnet was unsure if the all-red system was the proper solution, but there was a problem at that intersection, so the Town had to try to resolve it. If the reality was drivers had to wait for people to cross that street, they needed to wait, as it would only be during that time when it was all red. She found when she crossed at that crosswalk, the light did not consistently change and it was frustrating, and she would appreciate this issue being passed on to Broward County or FDOT. On the issue of having police presence, she previously suggested the Town have a crossing guard at that location, and she still thought this was a good idea.

Town Manager Hoffmann spoke to the issue of how drivers would know there was no right turn on red, noting the original proposal from the County was to erect a sign saying do not turn right on red during the pedestrian phase. She inquired why they could not put up a f sign that automatically lit up during the all red phase only showing "no right turn on red now". FDOT told the County in the previous week to order that equipment.

Commissioner Brown said the beach restoration the project was designed by the Army Corp of Engineers, the County and the State as a comprehensive beach nourishment project encompassing parts of Pompano Beach, Fort Lauderdale and the Town. The Commission voted to be a part of that project and, on the basis of the Town's vote, the project was designed as a comprehensive effort. He remarked the permit application included the Town in the project. It was always made clear by Mr. Myers when he spoke to the Town Commission that, until the project was actually permitted, changes could take place, particularly as they related to environmental reasons. He knew many on the Town Commission expressed concern as to the possible environmental impact of the project. The County indicated there would be additional enforcement and monitoring in the Town's waters, due to the presence of more sensitive reefs. He was pleased to know that if the sand in the Town's portion needed to be cut back due to environmental concerns, this would be the course of action. He emphasized the Town was a part of the project and could not simply pull out, though no agreement has been signed nor a dollar amount finalized.

Vice Mayor Sasser expressed that the Town Attorney indicated the Town was not yet a part of the project and could opt out if so desired.

Commissioner Brown stressed this would destroy the permit and whole project.

Commissioner Dodd favored the all red system. He felt sure the beach renourishment project would be adequately monitored, based on the hoops the Hillsboro Inlet had to jump through for its project.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen commented in response to the beach re-nourishment issue, she recalled the County came to the Town asking for participation in the funding of the project, and this was the framework in which the Town addressed the matter. As the Town Manager suggested, the issue could be revisited and have the County representative address the Town Commission at the next Commission meeting.

10. APPROVAL OF MINUTES

- a. April 9, 2013, Regular Commission Meeting Minutes

Commissioner Dodd made a motion to approve the minutes as listed. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

11. CONSENT AGENDA

Items 11b, 11c, 11d and 11f were pulled for discussion.

Commissioner Dodd made a motion to approve items 11a and 11e on the Consent Agenda. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- a. Renewal of Agreement with Grau & Associates for 2013 Audit (Finance Director Tony Bryan)

Approved on consent.

- b. Implementing Phase 2 of the 2013 Recycling Plan (Assistant Town Manager Bud Bentley)

Commissioner Dodd commented on being pleased to see the Town was the top municipality on recycling and wished to see more education in this regard done on single-family and multifamily homes. He asked if Town staff planned any educational programs for the community in this regard.

Assistant Town Manager Bentley replied the next step was for Town staff to develop some educational material, and the first effort would be to expand the Town's website to make that information available. The material would then be made available to homeowners associations, other media, and this would be for both single-family and multi-family.

Vice Mayor Sasser questioned whether educational materials were already created.

Assistant Town Manager Bentley responded Town staff would first go to the County to request what educational material they had, and then access the material of larger cities with such programs. The material gathered could be modified for the Town's specific needs or used to create new material for the Town's individual use.

Vice Mayor Sasser wondered if the cost for the educational material made up some or all of the \$17,000.

Assistant Town Manager Bentley answered yes; the \$17,000 was for the contracted service of Vicky Eckels from Green Scene Consulting.

Vice Mayor Sasser wondered why, if the Town already knew what was going in the materials and what to do with them, it was necessary to pay Ms. Eckles \$17,000.

Assistant Town Manager Bentley indicated that was to be only one component of her contracted services. She would also work with Public Information Officer Steve d'Oliveira to produce the information for the website, but most of her time would be spent doing outreach in the community to encourage recycling and finding out why some were not recycling, etc. He added the funds were not coming from the Town's general fund or tax dollars, it was from grant dollars and monies from Choice Environmental.

Commissioner Dodd made a motion to approve item 11b. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

c. Beach Cleaning Services – Contract Extension (Municipal Services Director Don Prince)

Commissioner Dodd asked for the status on burying of seaweed and if this matter had been resolved.

Municipal Services Director Prince replied Beachraker had hired a lobbyist and attorney to speak to the state. DEP had the final say. The Town had sent a letter supporting Beachraker's request and was waiting on a verdict from DEP.

Commissioner Dodd questioned if Town staff could think of anything else the Commission might do to help, such as drafting a resolution from the Town, as what was happening made no sense.

Municipal Services Director Prince suggested the Town needed to partner with neighboring cities going through the same problems to make their voices better heard.

Commissioner Dodd made a motion to approve item 11c. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

d. Storm Drain Cleaning and Sewer Line Maintenance Services – Contract Extension (Municipal Services Director Don Prince)

Municipal Services Director Prince made note that the storm drain cleaning and sewer line maintenance were one contract; the street light and electrical maintenance services on 11e were two separate contracts.

Commissioner Dodd wished to know, in relation to Televac, could the Town spend the same as in 2012, wondering if the work could go on indefinitely.

Municipal Services Director Prince answered not indefinitely. The Town cut back on the sewer line televising, but when the drainage projects were complete, a standard operating procedure would be to clean and televise the drains. He noted this was recently done on 19th Street, and on Bougainville Drive, where some issues were discovered immediately that we then made the contractor correct. The Town should stay on top of storm drain cleaning, as keeping them clean prolonged their life.

Commissioner Dodd sought confirmation that 95 percent of the Town's sewers were already covered on video.

Municipal Services Director Prince affirmed that in the last two years, 100 percent of the Town's sewers were televised and well documented.

Commissioner Dodd made a motion to approve item 11d. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- e. Street Light and Electrical Maintenance Services – Contract Extension (Municipal Services Director Don Prince)

Approved on consent.

- f. Contract Award to Iron Sky, Inc. for purchase, installation and maintenance of Automatic License Plate Recognition (ALPR) Camera System. (Town Manager Hoffmann)

Town Manager Hoffmann stated it was possible the Town would have to move the camera proposed for the Benihana property and there will be additional costs to do that, so she needed a contingency of \$6,000 rather than the \$5,000 requested in the agenda item, and for the Commission to appropriate \$41,000 rather than the \$40,000 requested. She noted Town staff received questions on the location of the camera on the north entryway, and they would look into the matter; if there were any changes, staff would come back to the Commission with an amendment.

Vice Mayor Sasser wished to ensure it was mentioned that the southbound traffic from the north end of the Town was getting photographed after the Town limit south of Terra Mar, and staff was looking to move that north to capture everything.

Commissioner Dodd sought confirmation the subject system would integrate with the Lighthouse Point and Fort Lauderdale systems.

Captain Fred Wood answered it would not, as both used their own database, collecting their data in house. The Town would be using a database called LEARN, a secure law enforcement only database. Lighthouse Point and other law enforcement agencies would have access to the Town's information, and if they uploaded their information to that database, the Town would have access to it as well.

Commissioner Dodd asked if the BSO office in the Town would have a monitor screen to display the alarms.

Captain Fred Wood indicated they would not; the information would go directly to deputies' laptops while they were on patrol. In Lighthouse Point, they had a service aide that monitored the activities at the front desk, and they called out alerts on radio. He noted there was some delay in that system, but with the Town's system, there would be an alert tone on the deputies' laptop that would come directly from the LEARN database.

Commissioner Dodd wondered if neighboring cities to the north and south of the Town began using the same database, would the Town be able receive alarms from them.

Captain Fred Wood learned recently Pompano would be getting two vehicles refitted with up-to-date, reliable equipment, and the Town would be gathering information from them; those would be mobile cameras, not fixed.

Commissioner Dodd made a motion to approve item 11f, including changes recommended by the Town Manager. Commissioner Vincent seconded the motion. The motion carried 5-0.

Town Manager Hoffmann pointed out the Town still had yet to receive all the agreements signed by the properties on which the cameras were to be located.

Captain Fred Wood stated that many of the properties had to go through their own due diligence and consult their attorneys, get the buy in from the board, and then vote on it. With some of the condominium properties, many residents headed north for the summer, so it was a somewhat dragged out procedure. To date he received verbal agreements from some, where board members were polled, and one signed. Mr. Bentley and he hope to have the Benihana situation resolved very soon.

12. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None

b. Ordinances 2nd Reading

None

13. RESOLUTIONS – PUBLIC COMMENT

a. Resolution 2013-23: A RESOLUTION PROPOSING REVISIONS TO PERSONNEL POLICIES MANUAL

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Vice Mayor Sasser wondered if the deferred compensation on behalf of employees not participating in the Town's insurance was pretax or post tax.

Finance Director Tony Bryan replied it was a pretax.

Vice Mayor Sasser inquired as to the reason for the recommended percentage increase for employees waiving the Town's provided health insurance from the present 66 percent of the premium cost through the deferred compensation plan to 80 percent.

Town Manager Hoffmann replied the Town was saving money to begin with, as the Town was contributing only 66 percent of what we would be paying for the individual employee's health insurance premium. For employees with families, the savings was even greater as taking the Town also paid part of the premium for the family health insurance coverage. The thought was the proposed increase was a fairer allocation to

employees choosing not to take the Town's insurance. She explained the aim was to encourage employees to continue waiving the Town's insurance and obtaining health insurance from an outside source, as it was more costly to the Town if they chose the Town's insurance.

Vice Mayor Sasser wondered if the proposed increase was necessary to retain such employees and was there any indication of what other municipalities were doing.

Town Manager Hoffmann indicated she did not research other cities.

Finance Director Bryan noted there were only two Town employees waiving the Town's insurance. One of those two individuals was a department head, and for the other department heads, the Town paid 100 percent for them and 50 percent for their families. He pointed out, with the policy of paying 66 percent for the two waived employees, the Town saved thousands of dollars, and increasing the amount to 80 percent still gave the Town substantial savings.

Town Manager Hoffmann said it was not a retention issue, but it was a real possibility the two employees could choose to take the family coverage and cost the Town considerably more.

Finance Director Bryan remarked the 14 percent difference would cost the Town \$830 for each of the two individuals for the year.

Vice Mayor Sasser preferred to have more conversation on the subject matter at a future date, possibly in the individual meetings he normally had with Town staff.

Commissioner Vincent made a motion to approve Resolution 2013-23. Commissioner Brown seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

None

15. COMMISSION COMMENTS

Commissioner Brown reported the Town did not get the MPO grant, finishing eight out of nineteen applicants; only three applicants were funded, and only \$2.5 million was made available. He expected the grant funding to go back up the \$5 million next year, so the Town was in a strong position to get the grant; he would work with Town staff to shore up on those areas in which the Town had not done well.

Vice Mayor Sasser informed everyone the power went out on Terra Mar again, and the Town continued to have issues with power outages, and when crews came to fix the problem, they generally commented on the age of the Town's equipment. He complained to FP&L, as in the past, and contacted the Town's representative George

Moraitis, whose staff assured him they would contact FP&L; the Town's representative from FP&L was setting up a meeting with the Town Manager and himself.

Mayor Minnet spoke with Pompano Beach Mayor Lamar Fisher about whether they were receiving complaints from Pompano residents about power outages; he indicated they had not. It behooved the Town to get Pompano involved, as it was a combination of islands, and Mayor Fisher said they were bringing underground electric across and up A1A to their area. She thought those steps, in conjunction with the Town's efforts, might address the Terra Mar issues. She also encouraged all to support the Relay For Life American Cancer Society event on June 1st at El Prado Park; the goals to be met were growing every day and residents and business owners should participate.

16. OLD BUSINESS

a. Discussion of Revisions to the Required Signatures on Contracts, Legal Instruments, and Debt Instruments (Town Manager Connie Hoffmann)

Town Manager Hoffmann distributed copies of the wording that currently existed in the code, specifically line 60 in the proposed ordinance, as there was a phrase that should have been underlined. On line 60, the underlining should start with the period that appeared after the word "manager" and go through the rest of line 60, and on line 61, the words "director, and the Town Manager" should be underlined. In drafting these changes she took into account the Commission's concerns that were expressed at a previous meeting. Her aim was to modify the requirements in the current code, which she thought was burdensome. A three tier process was proposed: 1) contracts, purchase orders and legal instruments within the Town Manager's purchase authority, which was currently \$15,000, would be executed by the Town Manager or his/her designee; 2) contracts, purchase orders and legal instruments exceeding the Town Manager's purchasing authority, but under \$50,000 should be signed by the Finance Director and the Town Manager; 3) contracts, purchase orders and legal instruments in excess of \$50,000 had to be signed by the Mayor, Town Manager and Finance Director. She hoped this would balance the Commission's concerns for checks and balances, as it was practical to implement.

Town Attorney Trevarthen added at the end of line 63, it should say "Acting Mayor-Commissioner" to have the Mayor's title correctly.

Commissioner Dodd expressed that he was not happy with the proposed changes, as he endeavored to legislate for all situations, and he had no desire to approve \$50,000, when the Town's present limit was \$15,000. He supported streamlining the process, but he had a few residents contact him voicing objections to the proposed changes.

Town Manager Hoffmann thought there was a misunderstanding, as the Commission still had to approve anything over \$15,000; the changes were with regard only to signing the document after Commission approval was granted, not approval of purchases.

Vice Mayor Sasser wanted another set of eyes on the contracts, regardless of the amount, as there might be something troublesome in the contract. He thought there might be some possible middle ground, and not all his concerns were addressed; he wished to look at those before granting approval. For instance, he could not think of a scenario where he would not want two signatures on a contract.

Town Manager Hoffmann sought to address concern about her delegating her contract signing duties to another staff person, the language could be changed to say "... within the parameters of the purchasing regulations ..." which the Town Commission approved. She added that the Town Attorney reviewed contracts and created forms for Town staff to use, which were reviewed by the legal staff when used and the Finance Director always ensured money was available. She said the reality was three people, including the Mayor, were not going to read a 50/60-page contract before they signed it. Some of these contracts were highly technical.

Vice Mayor Sasser felt even more worried about the signing of contracts.

Town Manager Hoffmann thought there was no need to worry, as the Town Attorney would be involved, as well as a department head or she in any agreement of substance.

Vice Mayor Sasser remarked these were policy decisions, and if everyone was looking through the contract, they could all sign it. He said that it appeared he was the only member of the Commission with concerns, so he wanted the vote to progress.

Town Attorney Trevarthen clarified her office drafted a complete set of forms routinely used by staff, and her staff reviewed and signed off on contracts over \$15,000. As the Commission changed the code in the last year or two, her legal staff did not sign off on contracts under \$15,000.

Town Manager Hoffmann commented the code might have changed, but Town Attorney Trevarthen's staff was still reviewing most Town contracts.

Town Attorney Trevarthen affirmed documents sent to her staff were reviewed. Town Manager Hoffmann stressed that she was not taking the Commission's voiced concerns personally, but she knew of no other city requiring so many signatures on their contracts. She believed the Commissioners would find it completely impractical in their own business to do what this proposes, and everybody kept stating their concern was not with the current Manager, rather it was with future managers. At some point, the Commission had to trust the chief executive officer to do their job, and if that trust was lost, that needed to be dealt with appropriately. The current process was excessive.

Assistant Town Manager Bentley pointed out all contracts over \$15,000 were placed on the agenda for the Commission's consideration and they were posted on the Town's website, so both the Commission and the public read the contracts prior to approval and signing.

Vice Mayor Sasser commented, in his business, approvals were given by all; neither he nor anyone else could independently sign off anything, as they were a public company.

Commissioner Vincent felt confident and comfortable trusting the individuals the Town hired, beginning with Town Manager Hoffmann and the staff she hired to do the Town's work to date. At some point, it became micromanagement that defeated the purpose of trust and transparency and could rise to the level of finger pointing. He believed it begged the question as to why the Commission was micromanaging. Was there a problem or an issue or was one being sought? It was almost like a witch hunt. He was fine with the changes the Town Manager proposed, as she was exercising significantly more oversight in the Town's business than had been seen in the past.

Commissioner Vincent made a motion to approve revisions to the required signatures on contracts, purchase orders and legal instruments, and the underlined corrections as stated by the Town Manager. The motion was seconded by Commissioner Brown. The motion carried 4-1. Vice Mayor Sasser voted no.

Town Manager Hoffmann indicated the subject revisions would come back to the Town Commission in the form of an ordinance.

**b. Additional Items for West Commercial Streetscape Improvement Project
Guaranteed Maximum Price (GMP) with State Contracting & Engineering
Corporation (Town Manager Connie Hoffmann)**

Mayor Minnet explained that this item was moved forward for discussion, as the matters of concern were fresh in everyone's mind from the tour of the project site an hour earlier. She suggested the discussion follow the order reflected on page five in the backup, and the Commission would vote on each item. The first item was the stamped asphalt for the East and West Tradewinds crosswalks priced at \$22,371.

Commissioner Dodd sought clarification if the project hit the \$2 million cost limit, was the Town obliged to go out for bid under the CCNA (Competitive Consultant Negotiation Act).

Town Manager Hoffmann answered no; the state law said the construction estimate needs to be \$2 million or less, and our project estimate was less than \$2 million. If the project cost increased to \$2.1 million, one of the reasons was we added a \$135,000 drainage project for the FDOT to the Town's project.

Vice Mayor Sasser made a motion to approve the stamped asphalt for the East and West Tradewinds crosswalk at the cost of \$22,371. The motion was seconded by Commissioner Dodd. The motion carried 5-0.

Mayor Minnet indicated the next item was the brick pavers at the corners of East and West Tradewinds for \$18,698.

Commissioner Dodd made a motion to approve the installation of brick pavers at the corners of East and West Tradewinds crosswalk at a cost of \$18,698. The motion was seconded by Commissioner Vincent. The motion carried 5-0.

Mayor Minnet said the next item, the four different alleyway/walkways, was priced at a total cost of \$38,692, including pavers, drainage and landscaping illustrated in the original plan. She sought clarification there was no lighting along those alleyways.

Project Manager Carbon affirmed this to be correct.

Vice Mayor Sasser added the alleyways had to be torn up anyway for electrical work.

Project Manager Carbon elaborated that the original recommendation from Town staff was to leave the alleyways as is. The contractor would bring the electrical from the back of Harbor Drive in one area to patch that area and leave them there. This alternate proposal by the Town Commission was to put the alleyways back into the project as designed, and include a concrete paver walkway with landscaping and irrigation.

Commissioner Vincent expressed concern as to the cost and amount of landscaping, recalling it comprised of nine palm trees, which he thought excessive and preferred something less, maybe one or two trees. On the issue of lighting, the Commission expressed concern in this regard, wishing to see bollards with lighting installed for aesthetic lighting in the alleyways. He supported installing pavers, but removing up to 80-90 percent of the landscaping, both due to cost and the encumbrance it would cause for the functionality of the alleyways in the future. In the alleyway A there was possibly room for four or five trees, but there should be some type of landscaping so the area was not left bare.

Commissioner Dodd wished to have a separate vote on alleyway A and another vote for alleyways 'B', 'C' and 'D'. For the three narrow alleyways, he suggested pavers all the way across with isolated irrigation points to water planters, so as to have some greenery in the area. He believed lighting was an important issue for the safety of pedestrian traffic.

Town Manager Hoffmann recommended the Commission approve the amount noted in the backup as the maximum to spend, and Town staff and the design team would figure out how many lights could be installed and their cost, significantly reduce the landscaping, and install the pavers.

Commissioner Dodd desired the wider alleyway to be laid with pavers, so all the alleyways tie in and integrate with the rest of the projects and feels lighting is important.

Mr. Carty, SCEC, remarked if the entire alleyway was covered in brick pavers, it would exceed the cost estimate for that project line item. Mr. Carty said this would cost an additional \$15,000-\$20,000 and that the rendering in the backup showed a paved walkway going through the alleyway that was about four feet wide, and the green shown

was landscaping. The 15-foot option allowed space for a restaurant to have tables and chairs outside.

Commissioner Dodd believed Town staff needed to come back to the Commission on what the increased cost would be, as the discussion was about adding \$15,000 to a \$2 million project, and he was not prepared to spoil the project for that amount. He wanted the alleyways to be integrated with the rest of the project. The pavers should cover the alleyway with some limited landscaping and more lighting.

Vice Mayor Sasser inquired if it was \$15,000 per alleyway or overall for all four alleyways.

Mr. Carty, SCEC, replied overall.

Commissioner Vincent requested a cost estimate for the landscaping, the pavers, etc.

Mr. Carty, SCEC, remarked the landscaping for all four alleyways was about \$10,000.

Commissioner Vincent asked for a cost breakdown if the landscaping was removed and if we just did the pavers.

Mr. Carty, SCEC, indicated the number would be changed to \$54,000.

Commissioner Vincent assumed the \$15,000 included drainage and irrigation, but no electric.

Project Manager Carbon replied if the cost was \$54,000, this would include \$15,000 extra for pavers, plus \$10,000 for landscaping, so by removing most of the landscaping, allocating \$4,000 to landscaping pockets, \$6,000 could be allocated to some type of lighting element. In this way, the cost would remain at \$54,000.

Mayor Minnet clarified that the motion would be to have brick pavers in all four alleyways, include some landscaping in all four alleyways, irrigation, and incorporating some lighting in the alleyways.

Commissioner Vincent wondered if any irrigation was needed if the landscaping was comprised only of a few trees, as they could be watered until they took root; he believed there was no irrigation in other alleyways that had trees.

Mr. Carty, SCEC, indicated in the current plan there was irrigation for trees and shrubs. If the landscaping was reduced to a few trees, they could be watered as suggested.

Town Manager Hoffmann recommended sticking with the \$54,000, as it may enable the installation of additional lighting.

Vice Mayor Sasser echoed the preference to split the voting into one for alleyway 'A', and a second voting for the remaining three alleyways.

Commissioner Dodd commented when he first made the suggestion, he was under the impression the three narrow alleyways would have pavers all the way across, while the larger alleyway would have a paver pathway and not run pavers the full width.

Mr. Carty, SCEC, understood the original design of alleyway 'A' accommodated possible eating areas, now with lighting added. It was only the other three alleyways that would have design changes to pavers covering their full width.

Mayor Minnet reiterated the design for alleyway 'A' would remain as shown in the rendering with lighting added, and the other three alleyways would be changed to wall-to-wall pavers with very limited landscaping, limited irrigation, and limited lighting.

Commissioner Dodd made a motion to approve the modification to the budgeted amount of \$38,692 to \$54,000 for the alleyways/walkways to include all pavers, limited landscaping and irrigation, with alleyway 'A' keeping its original design, and lighting added to all four. The motion was seconded by Commissioner Brown. The motion carried 4-1. Vice Mayor Sasser voted no.

Mayor Minnet stated the next item for consideration was the Commercial Boulevard midblock crosswalk: Option One was the painted crosswalk at \$43,144, and Option Two was the stamped asphalt crosswalk at \$59,240.

Commissioner Dodd made a motion to approve the Option 2 stamped asphalt crosswalk for the Commercial Boulevard midblock crosswalk at the cost of \$59,240. The motion was seconded by Commissioner Vincent. The motion carried 5-0.

Commissioner Vincent clarified that the stamped crosswalk required less maintenance than the painted crosswalk, as the latter required more frequent repainting.

Project Manager Carbon affirmed this to be the case.

Mayor Minnet noted the next item for consideration was the bougainvillea tree trellises, with two per plaza, totaling eight. She commented earlier that this was one enhancement that could be delayed and concentrate efforts on the alleyways.

Town Manager Hoffmann thought the trellises were a very important element of the design, a view held by Hugh Johnson, the landscape architect for the project. The trellises achieved a very dramatic look and would be gorgeous once they grew over the trellis; the effect would be stunning. She agreed with the Mayor that the four reef-related sculptures would have a dramatic effect, but they were not in the current project budget, whereas the trellises were.

Vice Mayor Sasser sought clarification why the trellises were so expensive, how many there were, and questioned how they were secured in the event of a hurricane.

Brian Kitchens, Architectural Alliance, replied there were structural issues that had to be dealt with for the trellises that and that they were custom made pieces accounted for their cost.

Mr. Carty, SCEC, indicated the trellises were anchored into a concrete foundation and originally were to be made out of a one-inch thick steel tube of aluminum. They worked with the designers to reduce the cost by changing to a more hollow tube to lessen the weight. He said the only further reduction they considered was using exposed rebar with a rusted finish, but the latter was rejected due to the proximity to the ocean that would affect its longevity. The trellises could be viewed as art pieces, as they would be designed and fabricated specifically for those areas of the Town, and he got three quotes to verify the price from the fabricator was not arbitrarily inflated.

Vice Mayor Sasser continued to feel \$64,000 for eight trellises was high, but he agreed the details of the subject project were extremely important to its success, and he wanted to see the trellises in place. He wondered if it were possible to create the bases and have the trellises built somewhere else for cheaper or maybe in the future.

Town Manager Hoffmann showed an illustration of a similar tree trellis. The Town could opt for wooden trellises, but in a year it was likely they would need to be propped up, would look nothing like the rendering, and require much more maintenance. The advantages of the proposed design were that it guided the bougainvillea to look like a tree, which reduced maintenance by staff.

Commissioner Brown suggested moving the trellises into the next fiscal year's budget, when the subject project would still be in construction as of October 1st and put it on the first agenda of the new fiscal year.

Town Manager Hoffmann pointed out the construction of the Commercial Boulevard project was being budgeted across two years already.

Commissioner Dodd remarked, based on personal experience, the bougainvillea was a very high maintenance tree, and whenever it became unruly, the more attractive parts of the plant had to be trimmed, but he thought them beautiful when in full bloom. He also said that he felt there might be a less expensive alternate.

Mr. Kitchens explained the way the trellises were designed, they kept the bougainvillea inside, and until the plant grew to the top of the trellis and began hanging over, its maintenance was minimal.

Mayor Minnet requested a motion on the bougainvillea trellises for a cost of \$64,000.

Commissioner Brown questioned if a motion could be passed that the trellises were a part of the project, but for their installation to be deferred until later in the project.

Mr. Carty, SCEC, responded that the concrete foundations have to go in the sequence of construction, as there would be landscaping around it; the actual installation of the trellis could be put in at a later time. The eight trellises would take some time to fabricate, as they were custom built, and the concrete bases cost \$20,000, which he suggested be put in now.

Commissioner Vincent agreed with Mr. Carty in that the Commission should approve the installation of at least the concrete foundations, and deal with whether or when to install the trellises later on.

Commissioner Brown made a motion to approve the installation of the base and the bougainvillea trellises, at a cost of \$64,091. The motion was seconded by Commissioner Vincent. The motion carried 3-2. Mayor Minnet and Vice Mayor Sasser voted no.

Mayor Minnet remarked the next item for discussion was lighting.

Vice Mayor Sasser recalled there was some confusion on the bollards and asked that it be a separate discussion to prevent confusion.

Mayor Minnet felt unsure if the lighting could be discussed to any degree, as the light packages were incomplete, and the design team heard some different direction from original thoughts from the Commission on the tour of the project.

Project Manager Carbon mentioned that Mr. Carty, SCEC, would come up with prices, for the whole electrical package, including FP&L electrical feeds, the wire and conduit, and that the actual lighting features should be discussed. Hence, the project cost in this regard began at a fairly high number, which they estimated at \$151,000 for the backbone of the electrical system before lights are incorporated.

Mayor Minnet wished to confirm the proposed figures included installation.

Project Manager Carbon answered yes; the three numbers shown included installation of the lighting package, and there were three specific lighting packages.

Mayor Minnet observed those packages ranged from approximately \$241,000 to \$274,000.

Mr. Carty, SCEC, reviewed the three options for lighting packages indicated in the backup.

Mayor Minnet recused herself from voting on the subject item, as it was related to lighting, and she knew the suppliers, commenting that although there were three different manufacturers, two were represented by one lighting vendor.

Mr. Carty, SCEC, confirmed that Cooper Lighting was the same vendor for two of the packages.

Mayor Minnet felt this did not give a true representation of alternate pricing.

Town Manager Hoffmann said they were still waiting on a quote from a different manufacturer, who had the bell-shaped lighting with rings around it that the Commission originally preferred. Town staff and the design team suggested the Commission include in the GMP about \$250,000 for lighting and electric and wait for the other quote, and this would be for the metal halide lights.

Mayor Minnet said that discussion was needed on lighting options previously mentioned, including additional bollards, decorative lighting along the promenade, or up lighting.

Commissioner Vincent recalled there were 12 parking and 15 pedestrian lights, asking what the six other lights were.

Mr. Carty, SCEC, replied the six were up lights at the main entry sculpture; there were two on the main sculpture and some to light the sign at the entryway.

Commissioner Vincent felt, at present, the debate was over whether the lighting cost would be \$240,000, \$250,000 or \$274,000. Thus, for 33 lights, the Town would pay either \$8,300 or \$7,300, and the bottom line was which design and/or feature was most desirable.

Mr. Carty, SCEC, explained the Town would pay about \$150,000 to hook up to FP&L, so the actual fixture pricing was about \$2,500 each.

Commissioner Vincent said that the Commission would have to approve a higher end budget and hope it will come in lower, as with the walkways.

Mayor Minnet remarked, unfortunately, the last lighting package the Commission saw did not meet the photometric required lighting levels, but the package currently before the dais did.

Vice Mayor Sasser recalled a previous discussion with Attorney Trevarthen on when a member of the Commission recused themselves from a vote, if they could participate in the discussion and recalled the Commission agreed that the recused person would participate in the discussion. He wished the Mayor, despite her intention of abstaining from the vote on the current issue, to weigh in on the discussion.

Commissioner Dodd believed it was his item under the terms that were set down for the Commission; he was adamant that Mayor Minnet participate in the subject discussion, but not vote on it.

Town Attorney Trevarthen replied it was a combination of state law and what the Commission incorporated into the Town's procedure resolution.

Vice Mayor Sasser indicated he had the same issue as in previous meetings that the various unknowns mentioned by Commissioner Vincent were the reason he felt uncomfortable voting in any direction on the subject issue. Thus, if the Commission were to just approve a number, he was unsure if the product the Town ended up with would be worth \$1,000 more per light fixture or a lesser value; he preferred to compare those things before making a decision. He wanted to wait for the final bid, as it related more closely to what the Commission really wanted.

Town Manager Hoffmann commented the Commission already indicated it preferred light that was not reflected in any of the price packages received. If the preferred light bid came in and was within the \$250,000 budget, the Town would go with that package, and if the bid was over that price, the matter would be brought back to the Commission.

Mayor Minnet thought this still did not address adding bollards into the whole project.

Town Manager Hoffmann stated the bollards would be a separate discussion.

Commissioner Dodd believed the bollards could not be considered in isolation, as a major part of the expenses was running the power to where the light fixtures would be placed, and low level lighting was critical to the ambiance of the project. He felt the Commission had yet to receive an integrated lighting package with a dollar figure that reflected what the Commission wanted and requested a proposal where we can have bollards. It was unclear whether any of the light poles were anywhere near a landscaped area where it was possible to put a lighting fixture in the wall to reflect out and down for more subdued lighting. He too felt reluctant to approve \$250,000, as he was unsure what he was approving it for.

Mr. Carty, SCEC, mentioned one of the struggles the engineers doing the photometric had was due to the parking lot being so close and trying to get the right level of light in one area, but a different level of lighting to another area in very close proximity. Thus, the current photometrics had more lighting than was desired or needed. He said one of the reasons the engineers removed the bollards was their low level lighting.

Mayor Minnet thought the easy solution was to reduce the amount of lighting or the amount of LEDs, and that would lead to a reduction in cost of the fixtures. The Commission should not vote on the lighting package, as they did not have all the answers.

Mr. Carty, SCEC, said he understood, but explained the design team needed some kind of number to start work with the FP&L connection, and that would be a part of any lighting package.

Commissioner Dodd observed the Commission was being asked to approve \$150,000 for connections with FP&L for an unknown/unspecified number of fixtures, not knowing if bollards were included in the package or low-level lighting, so the problem remained. He said that the issue was how critical was it for the Commission to approve funds for FP&L connections, and he thought there was still time for the design team to provide a proper lighting package that included the various elements the Commission requested.

Mayor Minnet clarified Commissioner Dodd sought an answer as to whether it was critical for the Commission to approve funds for the electrical budget immediately.

Mr. Carty, SCEC, answered yes, as the team hoped to commence digging by the 28th, and without an electrician on board, their progress would be limited.

Commissioner Vincent said regardless of the lighting package selected, the Town would have to spend about \$180,000 to get the underground electricals complete to eventually install the fixtures. He failed to understand the difficulty in approving that portion of the lighting budget now and having the design team and staff come back to the Commission with the rest of the lighting package.

Mr. Carty, SCEC, agreed it was better for the Commission to wait to get the other pricing on the fixtures in the next few days.

Vice Mayor Sasser understood the need for an electrician, questioning how they would know where to take the power without knowing where the fixtures would be.

Mr. Carty, SCEC, believed there was a consensus as to the location of the lighting in the latest renderings, even if it was still undecided as to what the pole or fixture would look like. Thus, it was already agreed that the lighting shown was necessary for safety and illumination levels desired. He indicated that the renderings did not show where the empty conduits would run in many of the green spaces, but it would be there so more lighting could be added in the future; there was a lot more electrics behind the scenes than shown. The key issue that could be resolved in the next few days was which of the fixtures would be installed in the initial stages, the harder question being whether the Commission wanted additional lights, such as lit bollards, which would increase costs.

Town Manager Hoffmann recalled Commissioner Dodd stated, in the place of bollards, there could be some up lighting, and this would be much less expensive. The electrical engineer could be directed to revisit where those could be located. Those would be placed where they had more aesthetic impact, lower level lighting, and they could bid that out.

Vice Mayor Sasser believed there was a point in between, and the question was if it was possible to do some lit bollards rather than all, as a way to reduce costs.

Town Manager Hoffmann asked Mayor Minnet about the significance of the lighting provided by bollards.

Mayor Minnet responded, from a photometric point of view, bollards did not provide much illumination, but they were an aesthetic enhancement. She inquired of the landscape architect if, on the proposed needle bollard, there was another design fixture that was available in lit and unlit bollards to allow for a combination of bollards that looked the same.

Brian Kitchens, Architectural Alliance, replied the needle bollard did not come in a lit version.

Commissioner Vincent surmised even if the \$180,000 was approved for the electrical work, the information on the remaining portion of the lighting package pertaining to the fixtures should come to the Commission before any ground was broken. The Commission could then make a decision on the lighting fixtures it desired based on cost.

Commissioner Vincent made a motion to approve \$180,000 for the electric work and revisit the issue of additional lighting. The motion was seconded by Commissioner Brown. The motion carried 3-1. Vice Mayor Sasser voted no; Mayor Minnet abstained.

Commissioner Dodd emphasized the need for the Commission to see a complete lighting package that included a proper photometric analysis based on the design team's recommendations and the Commission's expressed desires.

Town Manager Hoffmann inquired if there was a new calculation as to the GMP budget.

Project Manager Carbon answered yes, noting it started out at \$1,625,135 for the stamped asphalt, the brick pavers, the alleyways at \$54,000, the Commercial crosswalk with the stamped asphalt at the designated price, and the bougainvillea trellises. These all brought the price to \$1,843,585, and the last motion on the electrical component of \$180,000 put the cost at \$2,023,585. This did not include the additional \$90,000 anticipated cost for the fixtures.

Mayor Minnet commented the photometrics would have to be adjusted, and this might change the wattage requirements and lead to a substantial saving on the LED side.

Town Manager Hoffmann added that the intention was to begin digging in two weeks, so the project may start before the updated lighting package was presented to the dais.

Vice Mayor Sasser recalled previous discussion regarding sidewalks on the perimeter closest to Commercial Boulevard, and in the picture in the backup, as well as in recent discussions, it was said they would be white. Some of the elements that were removed were those that tied it back to the plazas. He questioned if it was the desire of the Commission to leave the sidewalks all white and not tie them to the internal plazas.

Project Manager Carbon responded specifically the driveway approaches, the accessways for the plaza was to be a stamped asphalt crosswalk, as shown in the rendering. Part of the value engineering they did was to continue the grey sidewalk through the driveway approach, and this would make the character of the sidewalk along Commercial Boulevard continuous.

Vice Mayor Sasser asked if the Commission was satisfied with having those sidewalks all white, as he hoped there would be some design elements within that sidewalk that would be used on some of the inside plazas to tie it together. If the rest of the Commission were satisfied with the design as is, he was fine with that decision.

Town Manager Hoffmann believed the only issue on the sidewalks was the corners, and the Commission already voted to put the pavers in the corners that tied to the promenade, so that element was restored by the Commission earlier in the meeting.

Recess/Reconvene

Mayor Minnet pulled item 17d, as it pertained to the signage for the shopping plazas in the West Commercial project.

Town Manager Hoffmann thought, in view of the individual items the Commission just approved, there should be a motion to approve the amended GMP for the \$2,023,585.

Mayor Minnet inquired if she needed to recuse herself from that vote as well.

Town Attorney Trevarthen responded only if she felt there was a potential for conflict or appearance of a conflict, as it did not include the lighting fixtures portion of the lighting.

Town Manager Hoffmann clarified it would be a motion to modify the GMP with State Engineering and Construction (SCEC) to \$2,023,585 for the West Commercial Drainage and Streetscape Project .

Commissioner Dodd made a motion to modify GMP with State Engineering for \$2,023,585. The motion was seconded by Commissioner Brown. The motion carried 5-0.

17. NEW BUSINESS

- a. Temporary Signage during Construction of the Commercial Boulevard Project
(Town Planner Linda Connors)

Town Planner Connors discussed the details of the subject item as set forth in the backup. Town staff sought a moratorium on enforcement of signs.

Commissioner Brown supported the subject item, as it would help local businesses, but he wished to push it further by allowing businesses to put their signs up tomorrow if they already had appropriate signage or banners available. He wondered how the term "during the construction period" should be defined. Could businesses putting up the "open for business" signs as quickly as possible and not wait until the first shovel went in the ground.

Town Attorney Trevarthen clarified it was a broad policy determination for the Commission. If the Town Commission deemed the construction as already underway as of the vote on the price earlier in the meeting, that could be done. She referred to the backup where Town staff suggested a number of criteria, so it would not be open season on signage; rather it was particular kinds of signs that were deemed to be appropriate for this timeframe.

Town Planner Connors reiterated that staff proposed the allowance of banner signs to be posted for the duration of the time that public parking was closed in front of buildings due to construction. This allowed businesses to maintain that signage and remove it within 15 days following the opening of public parking; this meant it would be a definite measurable period that could be followed.

Commissioner Brown wondered if that could be changed somewhat, as he was worried these businesses would take really big hits to their profits while construction was going on. He questioned if there was anything the Town could do to help by giving them a jump start by notifying potential customers they remained open for business. The Town could start allowing those signs as of tomorrow, as opposed to waiting until the two parking spaces in front of their business were disrupted. This request came from businesses wishing to put up "open for business" signs as soon as possible.

Commissioner Vincent felt satisfied with the recommended five-point criteria laid out in the backup, and the Town's code staff just needed to use common sense and enforce what was needed. Both the Commission and staff would do their due diligence for the businesses to help them without drafting a date specific document.

Town Planner Connors added that banner signs required a temporary permit, so Town staff could review them to ensure they met five-point criteria; the fee was \$30 per sign.

Commissioner Vincent thought the fee should be waived for the inconvenience.

Town Attorney Trevarthen explained the proposed action was a refraining from enforcement, not an approved permit for signs, so she was unsure how this would go forward. Banners that did not meet the five-point criteria would be subject to code enforcement, but there was no permit process for those signs. She thought it better to be specific about the timeframe to minimize future disputes.

Town Planner Connors commented it would be important for affected businesses to follow the regulations, and Town staff would be more than happy to review the signs they wished to post before they purchased a sign that did not meet the regulations. The service would be provided at no cost.

Town Attorney Trevarthen concurred, Town staff could assist.

Town Manager Hoffmann apologized to Commissioner Brown, as in their discussions the previous day, it did not dawn on her that the plazas would not be done at the same time. Construction would commence on the south side of the road first, so it would be reasonable to set some timeframe for the first plaza, and maybe businesses could begin to put up banners 15 days before construction. It could be a different timeframe for each plaza. The Town could issue a notice that businesses could erect the subject signs 15 days prior to the announced date of construction.

Mayor Minnet preferred affected businesses not to begin putting up banner signs tomorrow, as the proposed language would not allow businesses on East Commercial Boulevard to put banner signs up.

Town Planner Connors indicated this was correct.

Mayor Minnet supported the proposed action, as it was very important for affected businesses to get as much exposure during construction as possible.

Town Manager Hoffmann sought Commission clarification on number three; it would start at the time public parking in front of businesses was disrupted or some time earlier.

Vice Mayor Sasser requested confirmation the language drafted could be applied to businesses on one side of the street not the other when in the construction zones, etc.

Town Attorney Trevarthen said the application of the proposed language should be evenhanded. If a particular area of the street was under construction and the Town wished to make the opportunity available to that area, but not to the area down the street with no construction, that was a defensible approach. She reiterated there would be no distinction drawn between businesses located side by side. Since this was a direction as to priorities for code enforcement, the matter could be approved by motion if the Commission wished to formalize it.

Commissioner Brown thought the right clarification would be: as soon as construction started in one particular plaza, all the businesses in that plaza should be allowed to put up signs, even if the construction was at the other end of the plaza.

Town Planner Connors asked if the word "building" should be changed to "plaza" under number 3.

Commissioner Brown suggested removing the language "... in front of their business...", as businesses in a specific plaza would all be affected by any nearby construction.

Town Attorney Trevarthen noted, as the subject language was drafted to cover both projects, the word "plaza" should not be used, as no plazas were in the east end. The use of the wording "per block" was acceptable, as blocks existed in both.

Commissioner Brown mentioned the Town hiring a liaison to the businesses and requested this information was needed to get to affected businesses as soon as possible.

Commissioner Dodd thought there was a danger using the word "block", as they would define them as blocks at the western side at Commercial, or would the Town only allow banners to go on the south side when the south side was being disrupted. Thus, the definition needed to be clarified, such that if the area was east of A1A, using the word "block" was fine. However, if speaking about renovations on the west part of Commercial Boulevard, the wording should be specific to the side of the road on which the block was located; it might take longer for the northern block to start construction.

Town Attorney Trevarthen commented it would be permissible draft language to specify the areas in the manner suggested by Commissioner Dodd.

Town Manager Hoffmann added the wording would be "block" for the East Commercial Boulevard project, and "plaza" for the West Commercial Boulevard project.

Town Attorney Trevarthen sought clarification as to whether language should state time of construction or 15 days before construction.

Town Manager Hoffmann thought it would be easier to use time of construction.

Town Planner Connors concurred, as the time of construction could be uncertain.

Commissioner Dodd made a motion to approve item 17a to include the following:

- **Banner signs may not exceed 32 square feet**
- **Banner letter sizes may not exceed 18 inches**
- **Banner Signs may be posted for the duration of the time public parking was closed in front of plazas on West Commercial Boulevard and blocks on East Commercial due to the construction**
- **Banner signs should be removed within 15 days following the opening of public parking in front of the building or in the block**
- **Banner signs were limited to one sign per business**

The motion was seconded by Commissioner Brown. The motion carried 5-0.

Mayor Minnet requested a motion to extend the meeting another 30 minutes after 11:00 p.m.

Vice Mayor Sasser made a motion to extend the meeting to 11:30 p.m. The motion was seconded by Commissioner Dodd. The motion passed 5-0.

**b. Fisherman's Pier Properties – Outstanding Development Services
Department Applications and Code Issues (Town Planner Linda Connors)**

William Beggs, legal representative for Spiro and Louis Marchelos, indicated that he disassociated himself with the earlier comments made by Wayne Ferrell during the public comment portion of the meeting. He had a good relationship with Town Planner Connors, as they met and his clients endeavored to move forward after that meeting to provide the Town with everything it requested in ten days. Unfortunately, some days later they discovered there was a significant disconnect with Wayne Ferrell. Mr. Ferrell was no longer their architect and they were in the process of retaining another architect, so he requested an additional 30 to 45 days to allow them to get the new architect up to date and put all documents together properly to give to Town staff, including additional information on the vacant parking lot and stacked parking.

Spiro Marchelos remarked in the last year, there had been documents misplaced by both parties, and they received a 17-page letter from the Town two weeks prior. They believed they had been an asset to the Town and helped it to get to the next level, and they wish to continue helping it go to the next while maintaining their properties and increase their values. If the Town shut down their parking lots and took away their outdoor dining, it would upset many people. His brother and he would survive, but they hoped they would be allowed to conduct their business and cater to the needs of their customers. Though it was their real estate, the Town's rules and regulations made things difficult for them, but if the Town was interested in buying their property, it could make them an offer. In the meantime, they were property and business owners in the Town and they followed the rules and guidelines, and they wanted their businesses to succeed.

Town Planner Connors reviewed the subject item, as indicated in the backup.

Commissioner Brown saw no harm in granting the requested extension.

Vice Mayor Sasser said that based on Town staff's recommendations, the request to put the item on the May 28 Commission agenda amounted to two weeks, and the property owners were requesting an additional two weeks. He was willing to grant an extension of 30 days but felt unsure about granting 45 days. He questioned whether an architect was needed to supply the Town with the requested information and wondered if it was better for them to meet with Town staff and possibly a member of the Commission to resolve the matters. The Town's code needed to be met, and the things the Town requested should be provided, as was expected of anyone else.

Commissioner Vincent suggested extending the item requested to June 25, 2013. He appreciated both Mr. Marchelos and their attorney accepting some of the blame in what transpired to date, as it was not all the Town's doing. The Town's code had to be adhered to, and he would personally monitor the situation and would be available to assist both the Town and the Marchelos if needed. The next six weeks were critical in finding a resolution or the Commission had to accept staff recommendations.

Commissioner Dodd commented even after the letter was sent to the pier lessees and the expiration of the deadline, he reported at least two flagrant infringements in the pier parking lot where the public was put at risk. He stressed there was never anything personal in any of the decisions or recommendations he made. It was his opinion the Town code was being flagrantly ignored in the interest of cramming as many cars at \$10 each into the beach parking lot. This was originally established to provide parking for pier users, the bait shop, the pier restaurant and other businesses on the block. He disagreed with the rest of the Commission when they decided the pier did not have to provide any spaces for people wishing to fish off the pier. He approved the illegal waiting area that was turned into a serving area without the correct applications in the interest of tourism. He believed he had been scrupulously fair with all issues that came before him, stating that the June 11, 2013, Commission meeting provided ample time. He disagreed with the architect and understood the resulting problem. Commissioner Dodd wanted the issue of the parking lot satisfactorily addressed, and until the Town received the plans, it was difficult to work out the proper number of spaces.

Vice Mayor Sasser voiced a willingness to grant an extension based on similar reasons voiced by Commissioner Vincent, noting the documents were needed in time for the item to be placed on the June 25 meeting agenda. He mentioned there was already double stacking in the Town, as verified by a number of local business owners he spoke with, and he was not convinced it was a bad thing. There were other issues related to the subject properties that warranted additional discussion at another meeting, such as how should double stacking be defined, valet parking, etc. He wished to hear at a future date the obligations the Town felt the Marchelos needed to make to the parking lot in question, so everyone was clear as to those expectations. In his discussions with both Marchelos brothers, they appeared conceptually willing to bring that parking lot up to code, and whether they met the subject deadline would be telling.

Mayor Minnet requested clarification on the deadline dates of allowable time for staff.

Town Manager Hoffmann commented if the Commission granted an extension and wanted the matter on the June 25 meeting agenda, Town staff needed the requested information by no later than Friday, June 14, 2013. This gave them 30 days beginning May 15, 2013, and staff would have some time to look over the documents.

Mayor Minnet concurred.

Vice Mayor Sasser made a motion to approve item 17b, granting a 30-day extension to June 14, 2013 to have all requested items submitted to Town staff. The motion was seconded by Commissioner Vincent. The motion carried 5-0.

c. Screening of Waste Receptacles/Carts (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley reviewed the subject item as detailed in the backup, stating the backup included items previously commented on by the public, including the need for the Town code to be updated to adapt to current times. Town staff sought Commission direction on whether the Town could reduce the descriptive requirement in the code that the carts have to be located in the side yard, and if the carts needed to be completely screened from the right of way or could it be substantially screened.

Mayor Minnet inquired if anyone was allowed to store carts in front of their home.

Assistant Town Manager Bentley responded for townhomes with limited side yards that stored carts to the front, this would be a policy decision for the Commission. The illustration showed a cart that appeared screened from the front when looked at directly. However, it was unscreened when looking at it from the neighbor's property or at an angle from the street.

Vice Mayor Sasser understood Mr. Bentley's comments, but based on what he heard earlier from members of the public and his personal experience, for homes with three carts, the screening would have to be substantially bigger than if it were one cart.

Assistant Town Manager Bentley concurred.

Commissioner Dodd asked if Town staff knew of local residential property that had no side yards or a side setback where they were forced to place the carts in the front yard.

Assistant Town Manager Bentley replied that none came to mind, so a survey was needed.

Commissioner Dodd favored simplifying the code and, based on his individual discussion with Mr. Bentley, thought the way the current code was being applied was relatively sensible. That is, while standing in front of a property, taking a 90-degree view either way, the cart should not be visible when the proper screening was in place; there were many existing properties where if one peered around the side gate, the cart would be visible. He voiced no objection to those residents who preferred to have one bin and opted out of participating in the Town's recycling program due to it causing a considerable imposition on them. However, in such situations, those residents opting out of recycling should be charged more.

Commissioner Vincent thought there were no single-family homes in the Town without a setback, regardless of the size, and having plantings, AC units, etc. in the side yard

could be the reason some properties appeared to lack side yard space. These could be potentially moved elsewhere to allow one or two containers to be stored on the side of the home. He believed this was a joint effort for the Town and its residents, and Town staff needed to work with any owner that lacked a clear picture of what was needed, and provide them with recommendations on how to address it. The problem was Town staff sought to enforce a code provision that had not been enforced for some time, and the outside vendor hired by the Town to do code enforcement was simply doing their job, resulting in the repercussion of objections voiced by some residents. Commissioner Vincent remarked this was a touchy situation that did not warrant giving homeowners only 60 days to come up to code, as many homeowners were out of town for months of the year. He felt at least six months was a fair deadline to comply.

Vice Mayor Sasser disagreed with instituting any punitive fees for residents opting out of the Town's recycling program, and after hearing feedback from the various sides, he believed some help was needed to find a solution. Regardless of the solution, he had no desire to look at anyone's garbage cart in the front of their house, but he realized things had changed, so he wondered if the Planning & Zoning Board could make any recommendations.

Commissioner Brown said if he lived in a single-family home, he would prefer that garbage cans be stored in an unobtrusive manner. The current code needed to be more flexible, it should make sense, such as allowing the recycle bin to be stored in the carport, and changing from completely screened to substantially screened. He had a problem with opening the door to allow increased exposure of the carts, as maintaining the beauty of the community kept property values up and the Town a desirable place to live.

Mayor Minnet commented that the subject was about community standards, and it was important for everyone to understand what those standards should be; that is, did they want low or high standards? She desired high community standards. She drove around the Town looking at many places, and what she saw was that most people were trying their best to screen the carts, but there were some residents and businesses that blatantly did not care. Some of them had a fence but still left their carts outside that fence in full view rather than putting them away, and this was unacceptable. She believed that if someone was making efforts to screen the carts, that should be given some consideration versus those who simply chose not to do anything to screen the carts. The courtesy notice sent out the residents was exactly that and encouraged residents to call code compliance if they had any questions, though it did state if the matter was not addressed a formal citation would be issued. Mayor Minnet felt the codes needed to be enforced or risk the perpetuation of low standards the community was now witnessing, and she wished Town staff to provide some possible variations of the code. At present, the Town's code enforcement staff was doing exactly what they were hired to do, and a decision could be made on the subject matter without going to P&Z for help.

Assistant Town Manager Bentley heard a consensus from the Commission for Town staff to devise some code amendments to allow more flexibility in the placement of the carts, including substantial screening with landscaping as acceptable. Town staff would draft specific language for the Commission to consider, and no one would be issued citations while amendments to the code were being considered by the Commission.

d. Signage for Shopping Plazas – West Commercial Boulevard (Assistant to the Town Manager Pat Himelberger)

Assistant to the Town Manager Himelberger reviewed the details of the subject item as reflected in the backup, noting Town staff sought direction from the Commission on ways to choose businesses for placement on the signage. In staff's discussions, suggestions included limiting the names posted to those located on the ground floor, so as to attract walk-in traffic, and giving retail and restaurants top priority, as they might be more likely to draw visitors into the plazas. She said they also considered a lottery for each block or possibly making it a two-sided sign that would enable fitting more business names on the sign. There was also discussion on charging annually to cover the cost of the sign, and staff could do more research into what other cities were doing in this regard.

Commissioner Vincent questioned if staff investigated any other plazas with similar issues in the Town, in terms of the number of businesses in the plaza and the signage.

Ms. Himelberger indicated staff had yet to do that research, but noted the others were privately owned parking lots, which made it different.

Town Attorney Trevarthen remarked that having worked previously on sign regulations in a private setting, it was simply a matter of the landlord deciding and which business agreeing to pay the most as to which names would be placed on the sign. This was an odd situation, but after looking it over with Ms. Himelberger, it was possible to at least think about doing the signage and establish ground rules on how to proceed,.

Vice Mayor Sasser questioned if it were possible to build a bigger sign to not limit the number of listed businesses to six.

Ms. Himelberger believed the sign was size-appropriate for the area.

Town Manager Hoffmann said the sign would be six and a half feet tall.

Ms. Himelberger confirmed the sign would be 60 inches by 80 inches.

Vice Mayor Sasser wondered if it was better to let the landlords of the plazas decide business names for signs.

Town Manager Hoffmann was unsure how involving the landlords would work because there were multiple property owners in each plaza. She noted some of the plazas

contained office buildings, so there were numerous businesses beyond even accommodating 12 names. There had to be some rational standard to say it would be better to put business names on the sign that would cause a spur of the moment decision to pull into the plaza, as opposed to those going to the plaza for an appointment.

Vice Mayor Sasser was unsure the Town needed the signs at all, but he would entertain some changes to the Town's sign code to allow businesses within those plazas to do some form of signage rather than the Town doing it. In this way, the businesses would take care of their own advertising, and the Town was not leaving anyone out.

Town Attorney Trevarthen was unsure how this could be done, noting one possibility was to restrict those eligible for the lottery to business owners, or make individual businesses or tenants eligible for whatever the selection criteria. She affirmed the signage was not required, but noted many businesses within these plazas already had business signage allotted to them under the Town code, and the proposed signage was just a supplemental form of signage.

Commissioner Dodd thought the exhibit in the backup was very good, and he always tried to adopt whatever was the fairest approach and was unsure if the Commission was seeking to attack something that was not currently a problem. He questioned if any research was done to determine if any businesses in the plaza were interested in being named on such a sign. The philosophy of a lottery was acceptable, and if a business missed being on the sign at first, they had a chance to do so whenever the next lottery came around, possibly having the businesses posted on the sign revolving every two years. He wondered if the names would be on a removal piece or would they be painted on.

Ms. Himmelberger replied the business names would be removable.

Commissioner Dodd hoped the sign would be lit.

Town Manager Hoffmann affirmed the sign would be lit.

Commissioner Brown remarked that the Town planned beautiful coral reef sculptures at the entrances of each of the four plazas, so he felt this ruled out placing such signage at the plaza entryways. This meant the sign would be placed at the exit, so patrons would only see them as they left the plaza, unless the sign could be angled for viewing on Commercial Boulevard. He saw no point of having a sign, unless it was at the entrance of the plaza; he had no problem with the sign itself, it was the placement he did not like.

Ms. Himmelberger thought the sign's placement was for those traveling east on Commercial Boulevard coming over the bridge; they would see the sign and so go around and enter the plaza.

Town Manager Hoffmann noted the sculpture, which had yet to be funded, would be placed where one entered the parking, and the retail unit sign would be at the exit.

Mayor Minnet pointed out motorists would be driving past the exit first.

Commissioner Brown questioned if the sign would be facing out, so as people drove down Commercial Boulevard, they could see the sign.

Town Manager Hoffmann answered yes, she believed the sign would be positioned so oncoming motorists could see it.

Ms. Himelberger added when she spoke with Hugh Johnson, he said the sign would be angled, so it would be visible when driving by it.

Commissioner Brown questioned if, from an artistic standpoint and in light of all the other features of the West Commercial project the Commission just approved, the sign would serve only to clutter the area. He wished to avoid the addition of anything, even if it had a practical purpose, that might detract from all the other desirable and costly features previously approved, so he wanted some assurance the signs would work well with those other features.

Mayor Minnet noted Mr. Johnson left the meeting, so she was unsure it was possible to give Commissioner Brown an answer at present.

Town Manager Hoffmann believed Mr. Johnson saw and approved the design and placement of the sign within the rest of the project. If the Commission was really troubled by the issue of the names of the businesses, another option was if the four sculptures were ever done, each sign could display whatever name was given to the plaza based on the individual sculptures. In this way, businesses with or without their names on the side, could identify the plaza in which their business was located by the sculpture placed at its entrance.

Commissioner Vincent felt no concern about sign placement, however, the real issue was the fairness of the system by which businesses were selected to be placed on the sign, and there appeared to be no way to do this without causing businesses to feel left out.

Town Attorney Trevarthen commented on the Town Manager's statement that it was consistent with those she observed as more recent sign designs. Many cities had been going through their business signage and liberalizing them over the last two or three years, and there were a variety of approaches. She stated most of the newer shopping centers that were more focused on design were doing things as branding the plazas and having individual businesses tell potential and existing customers they were located in the particularly named plaza. If the sign were to state the name of the plaza in larger letters, it could be an even more effective marketing mechanism, as not everyone driving by could or would read all the listed names on the sign.

Mayor Minnet voiced concerns on the subject signage to the Town Manager and the Town Attorney in prior discussions, though the idea of the signs was great and they were needed. However, she liked the idea of having the name of the plaza on the sign as an identifier, as it meant not getting into the lottery system and offending any businesses and everyone would be treated equally. This would be her recommendation. She believed, based on the consensus of the dais, staff had direction on how to proceed.

e. Date to Discuss Charter Review Board Recommendation (Town Manager Connie Hoffmann)

Town Manager Hoffmann asked the Town Attorney to indicate how much time she needed to compile the exhibits for the subject meeting.

Town Attorney Trevarthen responded they were nearly finished putting the documents together. They were loading the votes, as the Charter Review Board (CRB) requested that their votes be cross referenced with the vote on each item, and that information should be completed within a week or two.

Mayor Minnet asked if the meeting should address just CRB recommendations.

Town Attorney Trevarthen indicated this was the Town Manager's recommendation, and having sat with the CRB throughout the course of their meetings, she felt the recommendation had merit. There was a lot of information to digest, and tackling the matter as an agenda item at a regular Commission meeting could prove too much.

Commissioner Brown understood the CRB made no recommendations, but dumped everything they considered onto the Commission without any clear vote in favor of any specific recommendation.

Town Attorney Trevarthen interjected the CRB made numerous recommendations, but the form of those recommendations was that the Commission consider all the options they considered.

Commissioner Brown said meeting as soon as possible was his recommendation.

Mayor Minnet received a consensus to schedule a special Commission meeting to discuss CRB recommendations on June 18, 2013, at 6:30 p.m.

Commissioner Brown suggested placing the issue for a vote on the June 25 Commission meeting, and if it was determined at the June 18 meeting that more time was needed, the item could be pulled from the June 25 agenda.

Town Attorney Trevarthen thought it better not to put the matter on the June 25 meeting, as it was appropriate to have one first meeting where the Commission saw all the CRB recommendations as a whole. The Commission could give staff direction as


needed on how to proceed before scheduling those for consideration at a Commission meeting.

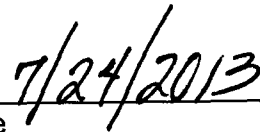
18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:30 p.m.


Mayor Roseann Minnet

ATTEST:


Town Clerk, Vanessa Castillo


Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>MINNET Roseann Alexis</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>MAYOR</i>	
MAILING ADDRESS <i>2000 S Ocean Blvd</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <i>TOWN</i>	
CITY <i>LAUDERDALE BY THE SEA</i>	COUNTY <i>DADE</i>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>MAY 14, 2013</i>		NAME OF POLITICAL SUBDIVISION: <i>LAUDERDALE BY THE SEA</i>	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Roseann Minnet, hereby disclose that on MAY 14, 2013:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The company, of which I am the principle owner, has in the past done business with the responders

May 14, 2013

Date Filed

Roseann Minnet

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.